



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

LE'ROY ANTONIO SMITH,

Plaintiff,

v.

Civil Action No. 3:07CV533

M.E. LOVELY, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on September 7, 2007, the Court conditionally docketed Plaintiff's action. The September 7, 2007 Memorandum Order warned Plaintiff that he must immediately advise the Court of his new address in the event that is transferred or relocated. On December 21, 2007, the October 27, 2007 Memorandum Order was returned to the Court by the United States Postal Service marked, "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD." Plaintiff's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. See Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Plaintiff.

It is so ORDERED.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: January 17, 2008